

**FILED**IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 17 2006 ★

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

In re: ZYPREXA  
PRODUCTS LIABILITY LITIGATION

MDL NO. 1596


THIS DOCUMENT RELATES TO:

*Johnny Spann v. Eli Lilly & Co.*

1:06-cv-02658-JBW

STIPULATION OF DISMISSAL

Plaintiff and Defendant agree, pursuant to Federal Rule of Civil Procedure

41(a)(1)(ii), that all of plaintiff's claims are dismissed with prejudice. The parties will bear their  
own costs and counsel fees.Annesley H. DeGaris  
Cory Watson Crowder & DeGaris, P.C.  
2131 Magnolia Avenue  
Birmingham, AL 35205  
(205) 328-2200  
Fax (205) 324-7896  
Attorney for PlaintiffsNina M. Gussack  
Andrew R. Rogoff  
Pepper Hamilton LLP  
3000 Two Logan Square  
18<sup>th</sup> and Arch Streets  
Philadelphia, PA 19103  
(215) 981-4000

and

Samuel J. Abate, Jr. (SA 0915)  
McCarter & English, LLP  
245 Park Avenue  
New York, NY 10167

Attorneys for Defendant Eli Lilly and Company

*Close the case*  
*10/16/06*